

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

8.12.1 IMPLIED CONSENT – BREATH ALCOHOL DEVICE APPROVAL

POLICY #: 8.12.1	DATE: 09/01/93	REVISION DATE: 11/16/01
TITLE: IMPLIED CONSENT - BREATH ALCOHOL DEVICE APPROVAL		PAGE 1 OF 2

RESPONSIBLE AUTHORITY: SPECIAL AGENT IN CHARGE OF THE
FORENSIC SERVICES LABORATORY

RELATED STANDARDS/STATUTES/REFERENCES: S. C. Code of Laws, Section 23-31-410
S. C. Code of Laws, Section 50-21-114
S. C. Code of Laws, Section 55-1-100
S. C. Code of Laws, Section 56-1-286
S. C. Code of Laws, Section 56-1-2130
S. C. Code of Laws, Section 56-5-2950
S. C. Code of Regulations, Chapter 73,
Article 1

GENERAL PURPOSE: To set forth policies for the administration of implied consent breath alcohol tests.

POLICY: The Division will approve breath alcohol devices and training curriculum necessary for the implied consent program.

SPECIFIC PROCEDURES: The Division is responsible for certifying breath alcohol testing devices, test operators, and test procedures through the authority of the implied consent laws (56-5-2950, 50-21-114, 55-1-100, 56-1-286, and 56-1-2130) and Regulations 73-1 through 73-3 of the South Carolina Code of Laws, 1976, as amended. The Division has the statutory responsibility for approving evidential breath alcohol testing devices to be used to test subjects who are arrested and/or detained for DUI (driving under the influence, 56-5-2930), Felony DUI (56-5-2945), BUI (boating under the influence, 50-21-112), FUI (flying under the influence, 55-1-100), CDL (commercial driver's license, 56-1-2120), and/or zero tolerance (56-1-286) violations of the S.C. Code of Laws, 1976, as amended. Additionally, the Division has the statutory responsibility of approving evidential breath alcohol testing devices to be used to test subjects under the authority of S.C. Code of Laws, Section 23-31-410 (use of a firearm under the influence of alcohol or a controlled substance).

The Division will consider for approval only evidential breath alcohol testing devices that first have been tested and approved for their accuracy and reliability by the National Highway Traffic and Safety Administration of the United States Department of Transportation. Currently, the only evidential breath alcohol device approved and supported by the Division is the BAC DataMaster. The model designation, BAC DataMaster, includes devices with internal or external keyboards. The Division may consider other methods and/or devices for approval only after demonstration to the Implied Consent Department that such methods meet the standards as set. The supply and support for breath alcohol testing devices shall be provided by the Implied Consent Department.

Additionally, SLED will certify breath test specialists. A breath test specialist is certified through the Implied Consent Department to certify, inspect, repair, and perform general maintenance on breath testing devices.

BY ORDER OF:


CHIEF OF SLED